

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 114-122, 124-126, 128-141, 143-145, 147-155, 157-161, 163-173, 175-179, and 181-202 are pending in the application, with claims 114, 133, 153, and 171 being the independent claims. Claims 123, 142, 162, and 180 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 114-122, 124, 125, 128-141, 143, 144, 147-151, 153-155, 157, 159-161, 163, 164, 166-173, 175-179, 181, 182, and 184-192 are sought to be amended. Support for the amendments to claims 114, 133, 153, and 171 can be found, for example, at page 12, line 23 - page 13, line 4 of the as filed application. New claims 193-202 are sought to be added. Support for new claims 193-202 may be found, for example, at page 13, lines 6-17 of the as filed application. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 103

RIPscrip, Microsoft, Zellweger, and Kleinerman

Claims 114, 116-131, 133-150, 152, 153-155, 157-172 and 175-192 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over “RIPscrip Graphics Protocol Specification,” July 19, 1993 (“RIPscrip”), Microsoft Press’ Computer Dictionary, 2nd Edition, 1993 (“Microsoft”), U.S. Patent No. 5,630,125 to Zellweger (“Zellweger”), and U.S. Patent No. 6,041,365 to Kleinerman (“Kleinerman”). For the reasons set forth below, Applicant respectfully traverses.

The present application is a descendent of and claims the benefit of U.S. Application No. 08/641,010, filed on April 29, 1996, now U.S. Patent No. 6,594,692. Applicant submits that the claims pending in the present application are fully supported under 35 U.S.C. §112, first paragraph, by the disclosure of U.S. Application No. 08/641,010. Therefore, the effective filing date for the claims pending in the present application is at least as early as the filing date of U.S. Application No. 08/641,010, filed April 29, 1996.

In the Office Action, the Examiner asserted that Kleinerman taught features of independent claims 114, 133, 153, and 171. (Office Action, pages 9-10.) Applicant notes that the alleged teachings of Kleinerman, relied upon by the Examiner in rejecting independent claims 114, 133, 153, and 171, do not find support in U.S. Patent Applications: 08/542,863, 08/406,638, 08/261,764, 08/089,947, 07/549,889 to which Kleinerman claims priority.¹ For example, none of the priority applications disclose “transmitting and interpreting HTTP and HTML messages” or providing a “powerful method for integrating Internet/Intranet applications, such as WEB Browsers (Netscape Navigator, Microsoft Explorer, etc.), with one or more remote computer programs residing on one or more host computers” as disclosed by Kleinerman and relied upon by the Examiner in the rejection of independent claims 114, 133, 153, and 171. (Kleinerman, col. 4, lines 23-32.) Because the subject matter relied upon by the Examiner in rejecting independent claims 114, 133, 153, and 171 is not described in the priority applications, the appropriate date for Kleinerman as a reference is June 30, 1997; i.e., the filing date of Kleinerman. Thus, Kleinerman cannot be relied on as a reference against the claims of the present application, which, as noted above,

¹ Applicants were unable to obtain copies of U.S. Patent Application No. 07/145,692 and U.S. Patent Application No. 06/792,424 to which Kleinerman claims priority. If the Examiner believes these applications support the portions of Kleinerman relied upon in the rejection of independent claims 114, 133, 153, and 171, Applicants respectfully request that the Examiner provide copies of these references and provide specific citation to the support therein.

have an effective filing date of at least April 29, 1996, more than a year prior to Kleinerman's effective date.

Moreover, as noted in Applicant's previous reply, dated September 18, 2008, RIPscrip, Microsoft, and Zellweger do not teach or suggest "an application programming interface (API) configured to provide a generic client interface for communicating a functional request associated with [an] application function to any one of [a] plurality of available online services" as recited in independent claims 114, 133, 153, and 171. Since RIPscrip, Microsoft, and Zellweger do not teach or suggest an API as noted above, logically RIPscrip, Microsoft, and Zellweger cannot logically teach or suggest "wherein the third instructions receive via the API a response to the functional request from the online service in the background, thereby permitting the graphical user interface to continue operation" as further recited in independent claims 114, 133, 153, and 171.

The priority documents of Kleinerman do not cure the deficiencies of RIPscrip, Microsoft, and Zellweger. At most, U.S. Patent Application No. 08/542,863 (the '863 application), to which Kleinerman claims priority, discloses an API that "forms the link between the [Application Interface Module], Hypercard, the custom [external commands] and [external functions], and the present invention development tools and editors." ('863 application, col. 18, lines 36-39.) The '863 application does not disclose that the API forms a generic client interface for communicating a functional request to an online service, "wherein the third instructions receive via the API a response to the functional request from the online service *in the background*, thereby permitting the graphical user interface to continue operation," as recited in independent claims 114, 133, 153, and 171. (Emphasis added.)

For at least the foregoing reasons, independent claims 114, 133, 153, and 171 are not rendered unpatentable over the combination of RIPscrip, Microsoft, Zellweger, and Kleinerman (or the priority documents of Kleinerman).

Accordingly, Applicant respectfully requests that the rejection of claims 114, 133, 153, and 171 be reconsidered and withdrawn.

Dependent claims 116-131, 134-150, 152, 154-155, 157-170, 172 and 175-192 are similarly not rendered unpatentable over the combination of RIPscrip, Microsoft, Zellweger, and Kleinerman for at least the same reasons as claims 114, 133, 153, and 171, from which they respectively depend, and further in view of their own features.

Accordingly, Applicant respectfully requests the rejection of claims 116-131, 134-150, 152, 154-155, 157-170, 172 and 175-192 be reconsidered and withdrawn.

RIPscrip, Microsoft, Zellweger, Kleinerman, and Pettus

Claims 115, 132, 151, 154, 172, and 175-190 have been rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over RIPscrip, Microsoft, Zellweger, Kleinerman, and U.S. Patent No. 6,031,977 to Pettus (“Pettus”). For the reasons set forth below, Applicant respectfully traverses.

As noted above, Kleinerman is inapplicable as a reference. Without acquiescing to the propriety of the asserted combination, Pettus does not cure the deficiencies of the RIPscrip, Microsoft, Zellweger, and Kleinerman (to the extent Kleinerman may be applicable) with respect to independent claims 114, 133, 153, and 171 as noted above. Consequently, independent claims 114, 133, 153, and 171 are patentable over the combination of RIPscrip, Microsoft, Zellweger, Kleinerman, and Pettus.

Dependent claims 115, 132, 151, 154, 172, and 175-190 are similarly not rendered unpatentable over the combination of RIPscrip, Microsoft, Zellweger, Kleinerman, and Pettus for at least the same reasons as claims 114, 133, 153, and 171, from which they respectively depend, and further in view of their own features.

Accordingly, Applicant respectfully requests the rejection of claims 115, 132, 151, 154, 172, and 175-190 be reconsidered and withdrawn.



Conclusion

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


 Edward J. Kessler
Attorney for Applicant
Registration No. 25,688

Date: 22 May 2009

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600
980364.v1